

of South Carolina, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Smyrna Special Brand * * * Hand Packed Tomatoes Contents 2 Pounds * * * Packed By Arlington Bros Montvale, Va."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the said cans contained less than 2 pounds of the said article.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the labels, "Contents 2 Pounds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 21, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12080. Adulteration of canned spinach. U. S. v. 1,200 Cases of Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16753. I. S. No. 2027-v. S. No. E-4129.)

On August 16, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 cases of spinach, at Pittsburgh, Pa., alleging that the article had been shipped by the San Francisco Packing Co., San Francisco, Calif., on or about May 1, 1922, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that all costs be paid by the San Francisco Packing Co.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12081. Adulteration of apricots. U. S. v. 132 Sacks of Apricots. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18014. I. S. No. 15788-v. S. No. E-4575.)

On November 13, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 132 sacks of apricots, at New York, N. Y., alleging that the article had been shipped by the California Prune & Apricot Growers, Inc., San Jose, Calif., on or about May 16, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 21, 1924, upon consent of the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant, Alexander Palestine & Co., Inc., pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12082. Adulteration of shell eggs. U. S. v. Mary H. Wright and Tobe Wright. Dismissed as to Mary H. Wright. Plea of guilty by Tobe Wright. Fine, \$10 and costs. (F. & D. No. 17927. I. S. Nos. 6891-v, 6892-v.)

On January 30, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mary H. Wright and Tobe Wright, trading as the Elmore Wright Estate, Winnsboro, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely on or about July 18 and 19, 1923, respectively, from the State of Texas into the State of Louisiana, of quantities of eggs

which were adulterated. The article was labeled in part: "From Elmore Wright Estate Winnsboro, Texas."

Examination by the Bureau of Chemistry of this department of 720 eggs from each of the consignments, showed that 153 and 199, respectively, or 21.25 and 27.63 per cent, respectively, of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, and embryos; the consignment of July 19, 1923, contained a number of developed chicks.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance

On February 7, 1924, the case against Mary H. Wright having been dismissed, a plea of guilty to the information was entered by Tobe Wright, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12083. Adulteration of shell eggs. U. S. v. Farmers Union Cooperative Exchange, a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 17604. I. S. No. 3851-v.)

On August 23, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Cooperative Exchange, a corporation, Hartington, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 5, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Farmers Union Coop. Exchange Hartington, Nebr."

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 121, or 13.44 per cent of those examined, were inedible eggs, consisting of blood rings, black rots, stuck yokes, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On February 18, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12084. Misbranding and alleged adulteration of molasses. U. S. v. 45 Barrels, et al., of Molasses. Decrees entered providing for release of product under bond. (F. & D. Nos. 18158, 18234. I. S. Nos. 937-v, 957-v. S. Nos. E-4641, E-4676.)

On December 12, 1923, and January 7, 1924, respectively, the United States attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 110 barrels of molasses, at Durham, N. C., consigned by the Atlantic Syrup Refining Co., in two consignments, namely, from Port Richmond and Philadelphia, Pa., respectively, alleging that the article had been shipped in part from Port Richmond, Pa., on or about October 20, 1923, and in part from Philadelphia, Pa., on or about November 11, 1923, and transported from the State of Pennsylvania into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding of the article was alleged in substance for the reason that the labels of the barrels containing the article bore the following statements, designs, and devices regarding the said article and the ingredients and substances contained therein, to wit, "Atlantic's Fancy Atlantic Syrup Refining Co. Phila. Pa. 56 Gals.," which were false and misleading, in that the said article contained approximately 45 per cent of glucose. Misbranding was alleged for the further reason that the said article was an imitation of another article, to wit, molasses.

On February 22, 1924, the Atlantic Syrup Refining Co., Philadelphia, Pa., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of the court were entered finding the product to be mis-